REMARKS

Claims 1, 10, 15 and 23 have been amended. Claims 1 through 31 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.

Claims 1 through 9, 17. 19 to 28 stand rejected under 103(a) as being unpatentable over Ram et al. (U.S. 6,038,309) in view of Margulis et al. (U.S. 6,243,449). Reconsideration of this rejection in view of the amendment and the following discussion is respectfully requested.

The independent claims 1 and 23 have been amended to include language intended to clearly define the invention in terms of the environment to which they relate. More specifically, claim 1 has been amended to indicate that telephone calls include voice and telephony calls and that the call server centrally and independently controls functionality with the packet transport network.

The Ram et al patent relates to an apparatus and method for providing a telephone operating company with the ability to rapidly deploy advanced services into a public switched telephone network. Although, as the Examiner has pointed out the patent to "Ram et al. discloses link 40 which includes an Ethernet link (inherently linking two Ethernet networks) but may include any other communications standards and hardware such as IEEE 802.3, FDDI, ATM". With respect, Applicants do not dispute that in the Ram et al. disclosure communications link 40 communicates between the programmable service node (PSN) 28 and the service software program SCU 34 to control call processing of a desired service call. This communication utilizes a service programming interface signaling protocol. The signaling between the programmable service node 28 and the SCU 34 via an Ethernet interface is not the same as communicating between end systems through a packet transport network. As set out in the field of the invention portion of the present application packet applications include ATM such as voice and telephony over ATM frame relay or IP including voice over IP. Thus, the environment in which the present invention resides is totally different than that which is described by Ram et al. Although Ram does disclose methods of externally controlling the processing of a service call the actual call is conducted over the PSTN using traditional switching systems found in a PSTN. The present application uses the packet transport network to interface with the PSTN so that the functionality flows seamlessly using a call server. The call server centrally controls calls by receiving SS7 messages for interoffice calls originating, terminating and tandonoming through its administrative region.

Although Margulis et al. discusses a mass calling event detection and control system it is also limited to calls in the PSTN and uses a gap control type procedure such as discussed in the present application and in particular in the paragraph bridging pages 4 and 5. This is recognized as prior art.

It is well established law that a case of obviousness under 35 USC 103(a) must establish that "There must be some suggestion or motivation either in the references themselves or in the knowledge
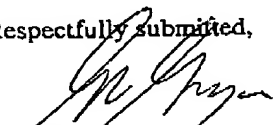
generally available to one of ordinary skill in the art to modify the references or to combine the referenced teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach all the claim limitations". See MPEP 2143. Clearly, a combination of the two references relied on by the Examiner do not teach all of the limitations of the rejected claims. Accordingly, it is submitted that the rejection under 35 USC 103 is traversed.

Claims 10 to 16, 18 and 19 to 31 stand rejected under 102(b) as being anticipated by Milito (U.S. Patent 5,596,576). Reconsideration of this rejection is respectfully requested. Although Milito does discuss a token system for sharing of resources it does not relate specifically to a packet transport network for transporting voice and telephony calls between end systems in a public switched network. Applicants do not suggest that they have invented a token system for controlling resources but that they have invented a system and method for handling a mass calling event in a packet transport network through the use of a centralized and independently controlled call server.

Again it is well established law that a claim is anticipated only if each and ever element as set forth in the claim is found either expressly or inherently described in a single prior art reference. Clearly all of the limitations of independent claims 10 and 15 are not found in the Milito reference.

In view of the foregoing it is believed that the claims presented herewith distinguish the references relied on by the Examiner. Since the amendments to the claims are merely to clarify previous terminology there should be no new issue objection. Allowance of the claims 1 to 31 at an early date is respectfully solicited.

Respectfully submitted,

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